REMARKS

The Examiner is requiring restriction to one of the following groups:

Group I: Claims 1-17 and 20, drawn to a polymer-based injectable, gel-forming composition.

Group II, Claims 18 and 19, drawn to a method of using at least one injectable gel-forming composition

Applicants hereby elect Group I, Claims 1-17 and 20, drawn to a polymer-based injectable, gel-forming composition, with traverse on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctiveness between the identified groups. Also, it has not been shown that a burden exists in searching the claims of the groups.

Moreover, the MPEP at § 803 states as follows:

> "If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions."

Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office.

Additionally, Applicants traverse on the grounds that Groups I and II do not lack the same or corresponding special technical feature.

According to pending Claim 1, the invention relates to a polymer-based injectable gel-forming composition for intratissue and/or intravascular implantation, characterized in that it comprises:

- at least one linear polymer that is water-insoluble and soluble in at least one water-miscible solvent,

- at least one water-insoluble, hydrophilic crosslinked polymer, and

- at least one biocompatible, water-miscible solvent;

and in that it is in the form of a suspension of particles of said hydrophilic crosslinked polymer in a **solution of said linear polymer**.

EP 466 300 on which the Examiner relies to make the rejection relates to a two phase mixture, a first phase comprising particles of a biocompatible gel swollen in a physiologically acceptable aqueous medium and which is uniformly distributed in a second phase comprising a solution of a biocompatible polymer in the same aqueous medium. According to this document the aqueous gel comprises **either** a polymer which has been made water-insoluble by crosslinking (see Claim 2) **or** a water-insoluble polymer able to be swollen in water. The solution comprises a **water-soluble** polymer. In addition, these two phases have to be mixed in the same solvent which is **an aqueous medium**.

The claimed composition differs from the teaching of this document by the fact it comprises:

- **BOTH at least one crosslinked polymer and at least one linear polymer**, said two different polymers being water-insoluble, and

- a biocompatible solvent which is compatible with water but **which is not an aqueous medium**.

Therefore, the injectable composition as claimed in pending Claim 1 is clearly different from the one disclosed in EP 466 300. Moreover, the twenty pending claims share the same or a corresponding special technical feature.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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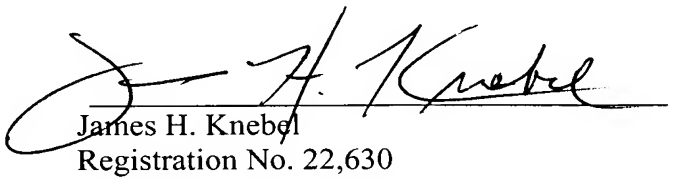

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